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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,014	11/03/2003	Anthony Mai	450133-04878	5854
20999 7590 12/27/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER TIV, BACKHEAN	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/701,014

**Applicant(s)**

MAI, ANTHONY

**Examiner**

Backhean Tiv

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

Claims 1-30 are pending in this application. There was a preliminary amendment filed on 8/30/2004 to amend the specification. No claims were amended in the preliminary amendment.

***Information Disclosure Statement***

The IDS filed on 1/25/05 has been considered.

***Drawings***

The Drawings filed on 11/03/2003 are acceptable.

***Specification***

The disclosure is objected to because of the following informalities:

All related applications should be under the heading "Cross-References to Related Applications." See 37 CFR 1.78 and MPEP § 201.11.

Page 5, lines 14-19, the co-pending applications are missing their filing Nos.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8,19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 8, recites "said fourth peer system is said second peer system or said third peer system", this limitation is unclear. How can a second or third peer system be a fourth peer system.

As per claim 19, recites "said third peer system is said second peer system", this limitation is unclear. How can a third peer system be a second peer system.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8,10,14-19,21-24,26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0913,965 issued to Mahe in view of US Patent 7,177,950 issued to Narayan et al.(Narayan).

As per claim 1, Mahe teaches a method of building a redundancy list in a peer system in a peer-to-peer relay network(Abstract, Fig.1), comprising: receiving a first message including first identification information at a first peer system from a second peer system connected to said first peer system in a peer-to-peer relay network(Abstract, para.0059-0063); storing said first identification information(Abstract, para.0059-0063); receiving a second message including second identification information at said first peer system from a third peer system connected to said first peer system in said peer-to-peer relay network(para.0070-0072); comparing said

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second identification information with said first identification information(Abstract, para.0070-0072).

Mahe however does not explicitly teach building a redundancy update message; and sending said redundancy update message to said third peer system.

Narayan explicitly teaches building a redundancy update message(col.6, lines 54-67, col.7, lines 20-32); and sending said redundancy update message to said third peer system(col.7, lines 20-57).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe to include teach building a redundancy update message; and sending said redundancy update message to said third peer system as taught by Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe and Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

As per claim 2, the method of claim 1, wherein: wherein said second identification information is the same as said first identification information(Mahe, para.0082-0083).

As per claim 3, the method of claim 1, wherein: a message includes data to be relayed, an origin identifier, a sequence value, and addressing information, and the origin identifier of a message indicates an origin peer system (Mahe, para.0063).

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As per claim 4, the method of claim 3, wherein: comparing said second identification information with said first identification information includes: comparing the origin identifier of said first message with the origin identifier of said second message, and comparing the sequence value of said first message with the sequence value of said second message(Mahe, para.0059-0063,0068-0071).

As per claim 5, the method of claim 3, wherein: said redundancy update message includes an origin identifier and a recipient identifier, the origin identifier of said redundancy update message indicates the origin peer system that is the same as the origin peer system indicated by the origin identifier of said first message and of said second message, and to the recipient identifier of said redundancy update message indicates said first peer system(Mahe, para.0082-0089).

As per claim 6, the method of claim 1, further comprising: disconnecting said first peer system from a fourth peer system; building a clear redundancy message; and sending said clear redundancy message from said first peer system to each peer system connected to said first peer system in said peer-to-peer relay network(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 1.

As per claim 7, the method of claim 6, wherein: said clear redundancy message includes a recipient identifier indicating said first peer system(Mahe, para.0082-0089, Narayan, col.7, lines 20-57). Motivation to combine set forth in claim 1.

As per claim 8, the method of claim 6, wherein: said fourth peer system is said second peer system or said third peer system(Mahe, para.0082-0089, Narayan, col.7, lines 20-57). Motivation to combine set forth in claim 1.

As per claim 10, the method of claim 1, wherein: the data relayed by peer systems is update data for a network environment(Narayan, Fig.2). Motivation to combine set forth in claim 1.

As per claim 14, a method of building a redundancy list in a peer system in a peer-to-peer relay network(Abstract, Fig.1), comprising: sending a message including identification information from a first peer system to a second peer system connected to said first peer system in a peer-to-peer relay network(Abstract, para.0059-0063); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said first peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry(Abstract, para.0081-0089).

Mahe however does not explicitly teach receiving a redundancy update message from said second peer system; and updating a redundancy list including one or more entries.

Narayan explicitly teaches receiving a redundancy update message from said second peer system (col.6, lines 54-67, col.7, lines 20-32); and updating a redundancy list including one or more entries(col.7, lines 20-57).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe to include receiving a redundancy update message from said second peer system; and updating a redundancy list including one

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or more entries as taught by Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe and Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

As per claim 15, the method of claim 14, wherein: a message includes data to be relayed, an origin identifier, a sequence value, and addressing information, and the origin identifier of a message indicates an origin peer system(Mahe, para.0063).

As per claim 16, the method of claim 15, wherein: the message identifier of an entry in said redundancy list indicates an origin peer system(Mahe, para.0063).

As per claim 17, the method of claim 14, wherein: said redundancy update message indicates identification information that is the same as the identification information of said message sent to said second peer system(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 14.

As per claim 18, the method of claim 14, further comprising: receiving a clear redundancy message including a recipient identifier indicating a third peer system; and updating a redundancy list by removing any entries in said redundancy list indicating said third peer system as the recipient identifier of that entry(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 14.

As per claim 19, the method of claim 18, wherein: said third peer system is said second peer system(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 14.



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As per claim 21, Mahe teaches a peer system in a peer-to-peer relay network(Abstract, Fig.1), comprising: means for receiving a first message including first identification information from a first sending peer system connected to said peer system in a peer-to-peer relay network(Abstract, para.0059-0063); means for storing said first identification information(Abstract, para.0059-0063); means for receiving a second message including second identification information from a second sending peer system connected to said peer system in said peer-to-peer relay network(para.0070-0072); means for comparing said second identification information with said first identification information(para.0081-0089).

Mahe however does not explicitly teach means for building a redundancy update message; and means for sending said redundancy update message to said second sending peer system.

Narayan explicitly teaches means for building a redundancy update message (col.6, lines 54-67, col.7, lines 20-32); and means for sending said redundancy update message to said second sending peer system (col.7, lines 20-57).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe to include means for building a redundancy update message; and means for sending said redundancy update message to said second sending peer system as taught by Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe and Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

As per claim 22, the peer system of claim 21, further comprising: means for building a clear redundancy message; and means for sending said clear redundancy message from said peer system to each peer system connected to said first peer system in said peer-to-peer relay network(Narayan, col.7, lines 20-57).Motivation to combine set forth in claim 1.

As per claim 23, the peer system of claim 21, further comprising: means for sending a message including identification information to a recipient peer system connected to said peer system in a peer-to-peer relay network(Mahe, para.0082-0089); means for receiving a redundancy update message from said recipient peer system(Narayan, col.7, lines 20-57); and means for updating a redundancy list including one or more entries(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry(Mahe, Abstract). Motivation to combine set forth in claim 21.

As per claim 24, the peer system of claim 21, further comprising: means for receiving a clear redundancy message including a recipient identifier indicating a disconnected peer system; and means for updating a redundancy list by removing any

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entries in said redundancy list indicating said disconnected peer system as the recipient identifier of that entry(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry(Mahe, Abstract).Motivation to combine set forth in claim 21.

As per claim 26, Mahe teaches a computer program, stored on a tangible storage medium, for use in a peer system in a peer-to-peer relay network(Abstract, Fig.1), the program comprising executable instructions that cause a computer to: process a received first message including first identification information from a first sending peer system connected to said peer system in a peer-to-peer relay network; store said first identification information(Abstract, para.0059-0063); process a received second message including second identification information from a second sending peer system connected to said peer system in said peer-to-peer relay network(para.0081-0089); compare said second identification information with said first identification information(para.0081-0089).

Mahe however does not explicitly teach build a redundancy update message; and send said redundancy update message to said second sending peer system.

Narayan explicitly teaches build a redundancy update message (col.6, lines 54-67, col.7, lines 20-32); and send said redundancy update message to said second sending peer system (col.7, lines 20-57).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe to include build a redundancy update message; and send said redundancy update message to said second sending peer system as taught by Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

One ordinary skill in the art would have been motivated to combine the teachings of Mahe and Narayan in order to synchronize and recover peer information in peer to peer sessions(Narayan, col.1, lines 10-15).

As per claim 27, the computer program of claim 26, further comprising instructions that cause a computer to: build a clear redundancy message; and send said clear redundancy message from said peer system to each peer system connected to said first peer system in said peer-to-peer relay network(Narayan, col.7, lines 20-57). Motivation to combine set forth in claim 26.

As per claim 28, the computer program of claim 26, further comprising instructions that cause a computer to: send a message including identification information to a recipient peer system connected to said peer system in a peer-to-peer relay network(Mahe, Abstract); process a received redundancy update message from said recipient peer system(Narayan, col.7, lines 20-57); and update a redundancy list including one or more entries(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information

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matching the message identifier indicated by the entry(Mahe, Abstract).Motivation to combine set forth in claim 26.

As per claim 29, the computer program of claim 26, further comprising instructions that cause a computer to: process a received clear redundancy message including a recipient identifier indicating a disconnected peer system(Narayan, col.7, lines 20-57); and update a redundancy list by removing any entries in said redundancy list indicating said disconnected peer system as the recipient identifier of that entry(Narayan, col.7, lines 20-57); wherein each entry in said redundancy list stores a recipient identifier indicating a peer system and a message identifier, such that an entry indicates said peer system is not to send a message to the peer system indicated by the entry when the message includes identification information matching the message identifier indicated by the entry Mahe, Abstract).Motivation to combine set forth in claim 26.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0913,965 issued to Mahe in view of US Patent 7,177,950 issued to Narayan et al.(Narayan) in further view of US Patent 6,701,344 issued to Holt et al.(Holt)

Mahe in view of Narayan teaches all the limitations of claim 1, however does not explicitly teach as per claim 11, the method of claim 1, wherein: the data relayed by peer systems is update data for an online game.

Holt teaches as per claim 11, the method of claim 1, wherein: the data relayed by peer systems is update data for an online game(Abstract, col.16, lines 29-46).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe in view of Narayan to include the data relayed by peer systems is update data for an online game as taught by Holt in order to inform peers of current games and who are playing the games.

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan, and Holt in order to inform peers of current games and who are playing the games.

As per claim 12, the method of claim 1, wherein: at least one peer system is a network-enabled game console(Holt, col.16, lines 29-46).Motivation to combine set forth in claim 11.

As per claim 13, the method of claim 1, wherein: at least two peer systems are connected through the Internet(Holt, Abstract). Motivation to combine set forth in claim 11.

Claims 9,20,25,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0913,965 issued to Mahe in view of US Patent 7,177,950 issued to Narayan et al.(Narayan) in further view of US Patent 6,668,283 issued to Sitaraman et al.(Sitaraman).

Mahe in view of Narayan teaches all the limitations of claim 1, however does not explicitly teach as per claim 9, the method of claim 1, wherein: each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer

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systems up to which that peer system is permitted to connect, and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system.

Sitaraman teaches each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect, and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system (Abstract, Fig.3, col.5, lines 44-col.6, line 18).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Mahe in view of Narayan to include each peer system in said peer-to-peer relay network stores a connection limit defining a number of other peer systems up to which that peer system is permitted to connect, and each peer system stores a set of one or more relay rules for relaying data to other peer systems connected to that peer system as taught by Sitaraman in order to limit the number connection to a peer so that the peer will be able to handle messages sent to and from the peer.

One ordinary skill in the art would have been motivated to combine the teachings of Mahe, Narayan and Sitaraman in order to limit the number connection to a peer so that the peer will be able to handle messages sent to and from the peer.

As per claims 20,25,30, do not teach or further define over the limitations in claim 9. Therefore claims 20,25,30 are rejected for the same reasons set forth above.

***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BackheanTiv  
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12/12/07



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